

2322. Misbranding of macaroni and spaghetti. U. S. v. 253 Packages of Long Macaroni, 220 Packages of Elbow Macaroni, and 430 Packages of Spaghetti. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 4849. Sample Nos. 40724-E to 40726-E, incl.)

The containers of this long macaroni, elbow macaroni, and spaghetti were filled to approximately 40, 60, and 28 percent, respectively, of their capacity.

On May 29, 1941, the United States attorney for the District of New Jersey filed a libel against 253 packages of long macaroni, 220 packages of elbow macaroni, and 430 packages of spaghetti at Camden, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about March 26 to on or about April 30, 1941, by the Kurtz Bros. Corporation from Philadelphia, Pa.; and charging that they were misbranded in that the containers were so made, formed, or filled as to be misleading. They were labeled in part: "Five Penny Pure Semolina Long Macaroni [or "Elbow Macaroni" or "Spaghetti"] 8 Oz."

On September 25, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

2323. Misbranding of egg noodle and chicken dinner. U. S. v. 2 Cases and 10 Cases of Egg Noodle and Chicken Dinner. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4862. Sample Nos. 47336-E, 47337-E.)

This product consisted of noodles, broth, and chicken meat. All of the meat was packed near the outside of the jar, a thin slice being placed on each of four sides, giving the appearance of a product containing a large proportion of chicken meat. It also contained wheat protein derivative, which should have been declared as artificial flavoring.

On June 3, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 12 cases of egg noodle and chicken dinner at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about May 7 and 14, 1941, by the Kennedy Mayonnaise Products Co., Inc., from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: (Jars) "Red Mill Brand 1 Lb. Net Wt."

It was alleged to be misbranded in that its container was so filled as to be misleading, since the chicken meat was spread over a large area to give the appearance of a large quantity. It was alleged to be misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On June 30, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered delivered to a charitable institution.

FEED

2324. Misbranding of cottonseed screenings. U. S. v. Southern Cotton Oil Co. Plea of nolo contendere. Fine, \$25. (F. D. C. No. 4139. Sample No. 18499-E.)

This product contained less protein than the amount declared.

On June 6, 1941, the United States attorney for the Eastern District of Arkansas filed an information against the Southern Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment on or about November 19, 1940, from the State of Arkansas into the State of Kansas of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: "Interstate Brand 43% Protein Cotton Seed Cake & Meal * * * Interstate Feed Company Fort Worth-Texas."

The article was alleged to be misbranded in that the statements "43% Protein Cotton Seed Cake & Meal * * * Protein, not less than 43.00%," appearing on the tag, were false and misleading since they represented that the article contained not less than 43 percent of protein; whereas it contained less than 43 percent, namely, not more than 40.88 percent of protein.

On June 11, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25.

2325. Misbranding of cottonseed meal. U. S. v. The Union Oil Mill, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 4159. Sample No. 17343-E.)

Examination of this product showed that it contained a smaller proportion of protein than that declared on the label.

On July 9, 1941, the United States attorney for the Western District of Louisiana filed an information against the Union Oil Mill, Inc., West Monroe, La., alleging shipment on or about October 2, 1940, from the State of Louisiana into the State

of Texas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43% Protein Cottonseed Meal Prime Quality Manufactured For and Guaranteed By Louis Tobian & Company Dallas, Texas."

It was alleged to be misbranded in that the statements "43% Cottonseed Meal" and "Crude Protein, not less than 43.00%," borne on the tag, were false and misleading since it contained less than 43 percent of crude protein, namely, not more than 39.62 percent.

On October 13, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

2326. Adulteration and misbranding of mixed feed and egg mash. U. S. v. Cameron Feed Mills. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 2896. Sample Nos. 17341-E, 17342-E.)

The "mixed feed" contained less protein, less fat, and more crude fiber than the amounts declared; and it contained no alfalfa meal, which was declared, but did contain rice hulls, which were not declared. The egg mash contained less protein and more ground limestone and crude fiber than declared and also contained rice hulls which were not declared.

On December 26, 1940, the United States attorney for the Eastern District of Arkansas filed an information against the Cameron Feed Mills, a corporation, North Little Rock, Ark., alleging shipment on or about February 9, 1940, from the State of Arkansas into the State of Texas of quantities of mixed feed and egg mash that were adulterated and misbranded. The articles were labeled in part, respectively: "White Mule Sweet Mixed Feed" and "Loud Cackle Egg Mash."

The mixed feed was alleged to be adulterated in that a valuable constituent, alfalfa meal, had been in whole or in part omitted therefrom; in that rice hulls had been added thereto or mixed or packed therewith so as to increase its bulk and weight or reduce its quality; and in that rice hulls had been substituted in part for the article. It was alleged to be misbranded in that the statements, "Alfalfa meal 5% * * * Crude Protein not less than 9.00 Per Cent Crude Fat not less than 2.50 Per Cent Crude Fiber not more than 15.00 Per Cent," borne on the tag, were false and misleading since it contained not more than 5.10 percent of crude protein, not more than 1.07 percent of crude fat, and not less than 18.72 percent of crude fiber, and it contained no alfalfa meal as declared but did contain added rice hulls which were not declared.

The egg mash was alleged to be adulterated in that rice hulls had been substituted in part therefor and in that rice hulls had been added thereto or mixed or packed therewith so as to increase its bulk and weight or reduce its quality. It was alleged to be misbranded in that the statements "Ground Limestone 2% * * * Crude Protein not less than 18.50 Per Cent * * * Crude Fiber not more than 7.00 Per Cent," borne on the tag, were false and misleading since it contained not less than 4.90 percent of ground limestone, not more than 15.95 percent of crude protein, and not less than 8.98 percent of crude fiber, and it contained added rice hulls which were not declared on the label.

Both products were alleged to be misbranded further in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each ingredient, since they contained rice hulls and the labeling did not name rice hulls as an ingredient.

On April 7, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

2327. Adulteration of bone meal. U. S. v. 24 Bags of Steamed Bone Meal. Default decree of condemnation and destruction. (F. D. C. No. 4785. Sample No. 57861-E.)

Examination of this product showed that it contained 5,100 parts per million of fluorine.

On May 15, 1941, the United States attorney for the Western District of Arkansas filed a libel against 24 bags of steamed bone meal at Texarkana, Ark., alleging that the article had been shipped in interstate commerce on or about February 26, 1941, by the Transit Grain & Commerce [Commission] Co. from Fort Worth, Tex.; and charging that it was adulterated in that it contained a poisonous or deleterious ingredient, namely, fluorine. The article was labeled in part: "100 Pounds (net) Interstate 20% Protein Steamed Bone Meal Manufactured by Interstate By-Products & Supply Company Fort Worth, Texas."

On November 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.